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(395C US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Metcalf *et al.*
Serial No.: 09/740,653
Filed: December 18, 2000
For: *Novel Purines*

Examiner: Berch
Group Art Unit: 1614

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Sir:

TRANSMITTAL

Enclosed please find the following documents regarding the above-referenced matter:

- 1) Statement Filed Pursuant to the Duty of Disclosure Under 37 C.F.R.
§1.56, 1.97 and 1.98;
- 2) Form PTO-1449;
- 3) Cited Art; and
- 4) Return Postcard.

Please charge any fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

Karoline K. M. Shair

Karoline K.M. Shair, Ph.D.
Reg. No. 44,332

CHOATE, HALL & STEWART
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000
Dated: December 6, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|------------|---|----------------------|----------|---|-------|
| Applicant | : | Metcalf et al. | Examiner | : | Berch |
| Serial No. | : | 09/740,653 | Art Unit | : | 1614 |
| Filed | : | December 18, 2000 | | | |
| For | : | <i>Novel Purines</i> | | | |

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants request consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

A. ☒ This Information Disclosure Statement has been filed:

1. ☐ within three months of the filing date of the above identified U.S. Patent application other than a continued prosecution application under § 1.53(d);
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application;
3. ☒ before the mailing date of the first Office Action on the merits in the above-identified application; or
4. ☐ before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

No fee or certification is required.

PART II - 37 CFR § 1.98 Content of Information Disclosure Statement:

☒ Applicants hereby make of record in the above-identified application all patents, publications, applications or other information submitted for consideration by the Office listed

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on the attached form PTO-1449 (modified). The order of presentation of the patents, publications, applications or other information should not be construed as an indication of the importance. Applicants have provided a legible copy of:

- each U.S. patent application publication;
- each U.S. foreign patent;
- each publication or that portion which caused it to be listed;
- each pending U.S. application (including the application specification including the claims and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion); and
- other information or that portion which caused it to be listed.

For each patent, publication, or other information listed that is not in the English language, the following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

Alternatively, if a written English-language translation of a non-English-language document, or portion thereof, if within the possession, or control of, or is readily available to any individual designated in § 1.56(c), a copy of the translation is provided herein as identified.

PART III: Remarks

A copy of each of the above-identified U.S. and foreign patent(s), publication(s), application(s) or other information submitted is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s), publication(s), application(s), or other information be printed on any patent which issues from this application.

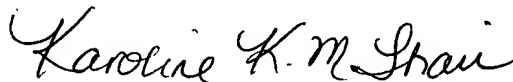
By submitting this Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.

By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited materials. An early and favorable action is hereby requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karoline K. M. Shair".

Karoline K. M. Shair, Ph.D.

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